GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:1725
ANSWERED ON:08.03.2016
Amendment in Section 377 of IPC
Wanaga Shri Chintaman Navsha

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the Government is considering to amend the provisions related to Lesbian, Gay, Bisexual and Transgender (LGBT) to under section 377 of the Indian Penal Code (IPC);

(b) if so, the details thereof;

(c) whether the Government has received some representation from the said community to reconsider section 377; and

(d) if so, the details thereof and the action taken by the Government in this regard?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI HARIBHAI PARATHIBHAI CHAUDHARY)

(a) to (d): The Delhi High Court, in Writ Petition (Civil) No. 7455 of 2001, held Section 377 IPC violative of certain provisions of the the Constitution insofar it criminalises consensual sexual acts of adults in private. However, the Hon'ble Supreme Court in Special Leave to Appeal (Civil) No.15436 of 2009 observed that section 377 IPC does not suffer from the vice of unconstitutionality and the declaration made by the Division Bench of the High Court is legally unsustainable. A Review Petition filed before the Hon'ble Supreme Court was also dismissed by the Hon'ble
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Supreme Court. Pursuant to Curative Petition (Civil) 88-102 of 2014 before the Hon'ble Supreme Court, the Hon'ble Supreme Court referred the matter to a Five Judges Bench and as such the matter is currently sub-judice.
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